Lancaster Conservation Commission Meeting Minutes
Monday, August 13, 2025
25 Main Street, Lancaster NH 2nd FL Conference Room

Commission Members Present: Sam Mayne, Nancy Southworth, Vickie Gibbs
Commission Members Absent: Mike Webster, Sam Sabean
Others Attending: Land Use Coordinator Robin L. Irving, Resident Lucy Wyman, Resident Pam Altamira

QUORUM

Chairman Mayne opened the meeting at 1730H

Minutes: Vickie Gibbs moved to approve as written the May 12, 2025 meeting minutes. Nancy Southworth seconded the motion. All Commissioners voted to **APPROVE AS WRITTEN** the May 12, 2025 meeting minutes, none opposed. *Motion passed.*

Sam Mayne requested a change on page 2, near the end of the bullet in the Peaslee section, "whether or not the right of way is in the deeds, the campowners should be sent a notice…" to be "could" instead of "should." He felt that the Commission had not clearly established the legal rights of everyone regarding the right-of-way. Vickie Gibbs moved to approve as amended the July14, 2025 meeting minutes. Nancy Southworth seconded the motion. All Commissioners voted to **APPROVE AS AMENDED** the July 14, 2025 meeting minutes. *Motion passed.*

Appointments: None

New Business:
Adopt a Tree: Lucy Wyman proposed a shared liability between the town and homeowners whereby the Town and the homeowner work together for the health of the tree(s) and if the tree cannot be saved, then the Town would assist financially to remove the tree. NHMA might have some ideas about an MOU. She presented an outline of priorities: for short term concerned about the ash trees there are 4 beautiful trees in Centennial Park, 2 on St. Paul's land, one on the parsonage, one on Soldier's Park, etc. As far as she knows, the town has not encountered ash borers. Someone suggested that people could adopt certain trees. There is a procedure whereby the tree bases are drilled and injected to enhance tree health lasting about three (3) years—the procedure is estimated to be $200/tree. This could preserve the tree health and sustain them long enough for a long-term strategy of replacement and planting is devised and implemented. From her research she has found that if the crown of a tree is at least 70% alive, the odds of saving the tree are favorable. She would like to go to the Farmer's Market and publicize this proposal and encourage people to adopt an ash tree. Commemorative plaques could be placed on the adopted trees. As for long-term implementation, Wyman would like to identify other trees throughout the town to save, identify places to plant more trees, implement a practice of placing 'historical' plaques on old trees, and draft

a memorandum of understanding for the town's shared liability. The Arborist Association may be able to assist with bulk purchase of trees to plant. Another resource may be the Elm Institute. Wyman would like to change the town's philosophy that downtown trees should not be higher than thirty (30) feet—shorter trees branch out at around ten feet and block signage and building fronts while taller trees typically branch out higher and do not obstruct these things. Trees are a great benefit for the whole community especially if planted around open parking lots.

What is required from the Planning Board regarding green space? LUC Irving explained that the adopted form-based code pertains to the Central Business District (from the river to the rotary). The only property that has been constructed to comply with form-based code is Miggy's. Requirements are for 1) 10-foot buffers between the boundary and parking lots, 2) trees to be planted at least every thirty (30) feet, and 3) bushes/trees to be planted to shield parking lots from street view. What does a change of use affect? LUC Irving said that, in general, a change of use triggers site plan review and therefore compliance with the form-based code; some of the new legislation that was signed into law "shall afford exemptions to frontage, setbacks, and height" but does not address landscaping requirements. With regard to landscaping, the requirement is that the bushes and trees must be native to the area. There is not adopted list of native species, so the Commission has discussed drafting this list and submitting it to the Planning Board to be incorporated into the zoning ordinance.

Wyman asked what the process would be to implement the first phase of her proposal? Gibbes felt that 1) the program needs to be volunteer-based, 2) a detailed plan and timeframe needs to be devised, 3) a more detailed quote needs to be obtained for both the treatment and plaques, and 4) a sample memorandum of understanding for the shared liability model. The Commissions role would be to review and approve the plan and vote to fund their contribution. If the trees were on town land, the proposal would have to be approved by the Selectboard. Depending on the cost, the tree treatment may be able to be included in the LCC budget.

Pam Altamira joined the meeting at 1813H. Suggested putting posters on the trees as a way of fundraising. Informational brochures would be helpful too.

Mayne felt that there were three (3) actionable items: 1) having a clear plan, 2) getting an estimate for replacement trees, and 3) getting estimates for plaques and information sheets. Gibbs felt strongly that people to run this program must be identified. LUC Irving suggested that the Adopt-a-Trail literature that Maeve Cyr shared with the Commission may be re-worked into a Adopt-a-Tree form and guidelines.

Conservation Commission Email: LUC Irving stated that an email for the LCC would be $11-12/mo. and said that the budget has funds in it to go to the end of the year. The Commissioners agreed that they should have a dedicated email; a listserv address will be postponed so that they can see how much email traffic they receive once they are posted.

Old Business:

Town easements follow-up: LUC Irving researched the deeds of all of the abutters to the Peaslee-Smith right-of-way. She found that the right-of-way was 1) deeded with restrictions by George Smith to the abutting property owners per Plan P5F4PL20 (Alden plan), 2) the rights-of-way were in the deeds of all of the abutters except for the Webster deed, and 3) Barb Peaslee-Smith has the reserved right to use and maintain the right-of-way and can "request…they [the abutters] shall physically assist…in maintaining the existing road and bridges", and she can close the use of the right of way at her discretion during spring thawing ("vehicular use is restricted to those times of the year when the ground is sufficiently firm so that no damage would result therefrom"). Peaslee-Smith has attempted to close the road in the spring. Southworth recalled that the Webster property was built after the conservation easement was put on the Peaslee-Smith land. Unless Webster requested from Barb Peaslee-Smith a right-of-way, it is likely that he does not have the right. Southworth was onsite on 8/10--Reynolds was holding his annual pig roast and she noticed 3-4 massive travel trailers parked near the water plant. The road is destroyed from large, heavy, vehicle traffic. A bridge has been replaced and the timbers have finally been removed after a couple of years. There has been digging on the sides of the road that will affect water quality and movement. Southworth opined that the Commission should approach the maintenance of the road with more assertiveness. LUC Irving did submit the question of enforcement to NHMA and has not gotten a response. Mayne interpreted the provisions to allow Peaslee-Smith to compel the abutters, and the Commission can enforce through her. Gibbs thought that there were required standards for private roads to be built. LUC Irving said that the town has adopted DOT standards but mentioned the new legislation that excludes both the Selectboard and Planning Board from imposing conditions of road standards to private roads so long as waivers are executed; so long as waivers are executed the intent for First Responder accessibility is nullified. The new laws make it so private roads do not need to be built at any standard. Mayne said that the measuring stick is how does the condition of the road contributes to parameters in the easement language. Because it appears that Peaslee-Smith can enforce on the abutters, the suggestion is to first recommend through conversation that Peaslee-Smith request assistance with maintenance from the abutters—she can at least use any correspondence from the town as leverage that if the road is not maintained to a certain standard that everyone is in breach of the conservation easement. Southworth pointed out that this arrangement would only be pertinent to her portion of the road. Mayne thought that the US Forest Service would have jurisdiction over the remainder and that the town would not be involved. The Commissioners agreed that they would address the issue of the road with Peaslee-Smith when the monitoring must be done.

Landscaping Recommendation: With regard to the Planning Board's Lancaster Motel case, Mayne would like to have the Commission adopt a policy or stand procedure for responding to departmental requests for feedback on PB/ZB cases. Gibbs said that once the LCC adopts a list of acceptable native species, the Planning Board can use that reference to impose conditions of approval, however, the Planning Board is primarily focused on having a plan and not the detailed items within the plan. LUC Irving stressed that, the applicants for the motel are requesting to waive the landscaping plan altogether, and does their reason for request meet the burden of proof of unnecessary hardship? Mayne has been considering that the Conservation Commission make it official that creation of green space and imposing landscaping requirements should clearly meet the hardship burden. Past reviews

of the hardship thresholds appear to be lenient that leads to loophole-seeking. There has to be a measure of reasonableness—the goal is balance through concessions on both sides. Relative to the Lancaster Motel case, there is not much room for green space development. Gibbs is in favor of the Commission's drafting to the Planning Boad a letter opposing the granting of a waiver of the landscaping plan; Mayne added that there could be language also reflecting their opinion that there is no hardship. For future management of Lancaster's downtown, there should an ongoing record of green space. At the bare minimum, the Applicants should be required to depict the existing green space to be maintained. Mayne drafted a statement to be submitted to the Planning Board: "LCC does not support the waiver of the Landscaping Plan requirement as requested by **landowner**. We do not see a real hardship to **landowner** in developing a Landscaping Plan and believe there is a strong Town benefit to having a written record of landscaping on the property going forward." Given that the Planning Board does request landscaping and lighting plans, the Commissioners wanted to have copies of the plans sent to them for review and possible response. A long-term goal would be to develop a policy.

Other Business:

Tree Health: Due to the drought conditions, Lucy Wyman asked if LUC Irving had requested from staff Gator Bags. Irving had not located them. Wyman was concerned about the newly planted trees at Family Dollar and, while the locusts looked healthy, watering would support their survival.

Wetlands Permit Application for Leslie Dixon: The application for an embankment stabilization with natural materials (rock riprap and embedded logs) needs a signoff from the Commission. Dixon's property was significantly damaged during the storms and the Commission acknowledged that the embankment needs stabilization. All Commissioners agreed that the proposal is reasonable and agreed to signoff.

Heritage Trail: LUC Irving asked whether anyone had heard of a proposal for the Heritage Trail to split off and follow Martin Meadow Pond Road to connect with Dalton. No one was aware of such a proposal. Southworth suggested following up with the snowmobile club. Gibbs mentioned that there is a section of the trail that has not been maintained—she would like to confirm whether that land is State Park land or Davidge. If determined, perhaps AMC can target that area when they are scheduled to do some maintenance.

Vickie Gibbs moved to adjourn at 1904H. Nancy Southworth seconded the motion. All Commissioners voted to adjourn at 1904H, none opposed. *Motion passed.*

By: Robin Irving

Robin L. Irving, Land Use Coordinator for the Lancaster Conservation Commission

Approval Date: 9/8/2025